

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, February 14, 2019 meetin

2nd Floor, West Tisbury Town Hall - @ 5:00 PM -Approved on March 7, 2019

PRESENT: Nancy Cole-Chair, Larry Schubert Bob Schwier, Julius Lowe and Tony Higgins

Absent:, Toni Cohen

Also Present: Atty. Doug Sederholm, Leo DeSorcy,

Invoices:

Minutes: No minutes were approved.

5:00 pm: A continuation of a hearing on an application from Leo DeSorcy for a Special Permit to allow the extension of a pre-existing, non-conforming use and construction of a 30'x40' structure and green house, for the sale of agricultural products and construction goods and for employee housing under Section 11.1-3 (A) of the Zoning Bylaws. Map 8 Lot 18, 4 State Road, RU district.

Nancy read the notice. She also read the updated narrative for the project. She asked about changes since the last hearing. Doug confirmed that a second form of egress from the second floor shows on the new plan submitted as well as a full set of elevations. Larry verified that the stairs on the first floor to the second story residential use adjusted the measurement of the commercial use (first floor) to be less than 1,000 square feet. Larry asked about business hours on the narrative stating that more detail would be required.

It was clarified that hours of operation for the agricultural business would be May 1-October 15, 7:30-5:30 pm Monday through Saturday and that what would be sold there would be plants that are grown there, potting soil and pots.

Nancy asked about the request in the narrative to include, "cut stone, concrete formations, custom cabinets and furniture, all of which are produced or refurbished on site". Leo stated that he sometimes will be commissioned to build furniture with concrete elements and sometimes to refinish furniture. Nancy wanted to verify that other garden related products such as statues etc. would not be sold. Leo assured her that he would not be making anything like that and that anything sold would have been refurbished or produced on the site.

Larry said that he would like to clarify whether this is an amendment of an old Special Permit or a new one. Pam stated that the legal notice advertises the application as an amendment to the existing Special Permit. Nancy confirmed that in her opinion the permit is amending the original which deals with the commercial use of the property. It was verified that the amendment to the Special Permit is allowing the confines of the use to be extended to include display and sale of products made on the property

Julius moved to close the hearing and open the board meeting. Larry seconded the motion.

Nancy asked Leo to be clear about what will be sold as part of the agricultural use. She stated that Middletown Nursery has gone beyond what they were allowed over the years and that the town has turned a blind eye at this point.

Nancy confirmed that the use allowed in this Special Permit does not run with the land and is only pertinent to this specific owner and use.

The following Conditions were approved:

- 1) Hours of operation for Agricultural Products May 1-Oct 15th 7:30-5:30pm. Monday through Saturday.
- 2) Agricultural products sold are those listed in the Use Table, under Business Uses - Retail Business (not listed elsewhere), "Only in connection with agricultural use, including sale of produce and related products customarily sold in nurseries".
- 3) The establishment will be run per the Project Description....put in findings
- 4) Products to be sold are listed in the Project Description
- 5) Display and sales of other products listed in the project description to be done by appointment only.

A motion was made to approve the application. The vote on the motion was 4 in favor and 1 abstained, therefore the motion carried.

Nancy went over the 20 day appeal process.

The decision on the Cain application was reviewed. The board reiterated what their comments had been at the February 7th meeting when the application was denied. In the discussion related to Board of Health issues, Pam reminded the board that in Section 9.2-2, many of these issues are noted, thereby bringing them into the purview of the board.

The meeting adjourned at 5:40 pm. Respectfully Submitted, Pam Thors, Board Administrator